IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE, TENNESSEE

WORD MUSIC, LLC, a Tennessee Limited Liability company, DAYSPRING MUSIC, LLC., a Tennessee Limited Liability Company, WORDSPRING MUSIC, LLC., a Tennessee Limited Liability company, UNICHAPPELL MUSIC, INC., a Delaware corporation, CHAPPELL & COL, INC. a Delaware corporation, COTILLION MUSIC, INC., a Delaware Corporation, RIGHTSONG MUSIC, INC., a Delaware Corporation, RIGHTSONG MUSIC, INC., a Delaware Corporation, WALDEN MUSIC, INC., a New York Corporation, WARNER/TAMERLANE PUBLISHING CORP., a California corporation, and WB MUSIC CORP., a California corporation,	)	
Plaintiffs,	)	
v.	)	**CIVIL ACTION NO. 3:07-00502**
PRIDDIS MUSIC, INC., a Nevada corporation, RICHARD L. PRIDDIS, individually, PROSOUND KARAOKE LTD., a United Kingdom corporation, MEDIOSTREAM, INC., a California corporation d/b/a "K SUPERSTAR", D.J. MILLER MUSIC DISTRIBUTORS, INC., a Colorado corporation, d/b/a "PROSING", and DALE S. MILLER, individually.	)	**JURY DEMANDED**
Defendants.	)	

ANSWER OF MEDIOSTREAM, INC. d/b/a "K SUPERSTAR"

Defendant Mediostream, Inc. (hereinafter "Mediostream"), by and through counsel, hereby respectfully responds to Plaintiffs' Complaint as follows:

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1. The allegations in the first sentence of paragraph 1 of the Complaint are admitted to the extent that the Plaintiff alleges copyright infringement. The allegations in the second sentence of paragraph 1 of the Complaint are denied.

2. The allegations in paragraph 2 of the Complaint are denied.

3. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations charged throughout paragraph 3 of the Complaint and therefore denies the same.

4. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Complaint and therefore denies the same.

5. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Complaint and therefore denies the same.

6. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Complaint and therefore denies the same.

7. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Complaint and therefore denies the same.

8. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Complaint and therefore denies the same.

9. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9 of the Complaint and therefore denies the same.

10. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Complaint and therefore denies the same.

11. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 of the Complaint and therefore denies the same.

12. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Complaint and therefore denies the same.

13. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the Complaint and therefore denies the same.

14. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 of the Complaint and therefore denies the same.

15. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 15 of the Complaint and demands strict proof thereof. Mediostream denies the remaining allegations of paragraph 15 of the Complaint.

16. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 of the Complaint and therefore denies the same.

17. The allegations in the first sentence of paragraph 17 of the Complaint are admitted. The remaining allegations in paragraph 17 of the Complaint are denied.

18. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18 of the Complaint and therefore denies the same.

19. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 19 of the Complaint and therefore denies the same.

20. Mediostream contests this Court's jurisdiction over this matter pursuant to the doctrine of prior suit pending. Mediostream also denies the remaining allegations in paragraph 20 of the Complaint.

FACTUAL BACKGROUND

21. Upon information and belief, the allegations in the first and second sentence of paragraph 21 of the Complaint are admitted. Mediostream is without knowledge or information

sufficient to form a belief as to the truth of the allegation in the last sentence of paragraph 21 of the Complaint and therefore denies the same.

22. Upon information and belief, the allegations in paragraph 22 of the Complaint are admitted.

23. The allegations in paragraph 23 of the Complaint are denied.

24. The allegations in paragraph 24 of the Complaint are based upon legal conclusions and not directed specifically at Mediostream, therefore no response is required.

25. The allegations in paragraph 25 of the Complaint are not directed specifically at Mediostream and require no response.

26. The allegations in paragraph 26 are not directed specifically at Mediostream and require no response.

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

27. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27 of the Complaint and therefore denies the same.

28. Mediostream is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28 of the Complaint and therefore denies the same.

29. The allegations in paragraph 29 of the Complaint are denied.

30. The allegations in paragraph 30 of the Complaint are denied.

31. The allegations in paragraph 31 of the Complaint are denied.

32. The allegations in paragraph 32 of the Complaint are denied.

FIRST CLAIM FOR RELIEF
COPYRIGHT INFRINGEMENT
17 U.S.C. §§101, *ET SEQ.*

(Direct Copyright Infringement vs. All Defendants)

33. In response to the paragraph 33, Mediostream adopts and incorporates by reference its responses to the allegations in paragraphs 1 through 32 of the Complaint.

34. The allegations in paragraph 34 of the Complaint are denied.

35. The allegations in paragraph 35 of the Complaint are denied.

36. The allegations in paragraph 36 of the Complaint are denied.

Mediostream denies that Plaintiffs are entitled to any of the relief sought in the prayer for relief on page ten of the Complaint including subparts (a) through (m) as set forth on pages eleven and twelve of the Complaint.

SECOND CLAIM FOR RELIEF
COPYRIGHT INFRINGEMENT
17 U.S.C. §§ 101, *ET. SEQ.*

(Contributory Infringement)

37. In response to the paragraph 37, Mediostream adopts and incorporates by reference its responses to the allegations in paragraphs 1 through 36 of the Complaint.

38. The allegations in paragraph 38 of the Complaint are denied.

39. The allegations in paragraph 39 of the Complaint are denied.

40. The allegations in paragraph 40 of the Complaint are denied.

Mediostream denies that Plaintiffs are entitled to any of the relief sought in the prayer for relief on page fourteen of the Complaint including subparts (a) through (m) as set forth on pages fourteen through sixteen of the Complaint.

THIRD CLAIM FOR RELIEF
COPYRIGHT INFRINGEMENT
17 U.S.C. §§101, *ET SEQ.*

(Vicarious Infringement)

41. In response to the paragraph 41, Mediostream adopts and incorporates by reference its responses to the allegations in paragraphs 1 through 40 of the Complaint.

42. The allegations in paragraph 42 of the Complaint are denied.

43. The allegations in paragraph 43 of the Complaint are denied.

44. The allegations in paragraph 44 of the Complaint are denied.

Mediostream denies that Plaintiffs are entitled to any of the relief sought in the prayer for relief on page seventeen and eighteen of the Complaint including subparts (a) through (m) as set forth on pages eighteen through twenty of the Complaint.

FOURTH CLAIM FOR RELIEF
WILLFUL COPYRIGHT INFRINGEMENT
17 U.S.C. §504(c)(2)

45. In response to the paragraph 45, Mediostream adopts and incorporates by reference its responses to the allegations in paragraphs 1 through 45 of the Complaint.

46. The allegations in paragraph 46 of the Complaint are denied.

47. The allegations in paragraph 47 of the Complaint are denied.

48. The allegations in paragraph 48 of the Complaint are denied.

Mediostream denies that Plaintiffs are entitled to any of the relief sought in the prayer for relief on page twenty one of the Complaint including subparts (a) through (m) as set forth on pages twenty one through twenty three of the Complaint.

FIFTH CLAIM FOR RELIEF
UNFAIR COMPETITION

49. In response to misnumbered paragraph 41, Mediostream adopts and incorporates by reference its responses to the allegations in paragraphs 1 through 48 of the Complaint.

50. The allegations in misnumbered paragraph 42 of the Complaint are denied.

51. The allegations in misnumbered paragraph 43 of the Complaint are denied.

52. The allegations in misnumbered paragraph 44 of the Complaint are denied.

Mediostream denies that Plaintiffs are entitled to any of the relief sought in the prayer for relief on pages twenty four and twenty five of the Complaint including subparts (a) and (b) as set forth on page twenty five of the Complaint.

53. Any and all allegations not specifically admitted are hereby denied.

For further response to the Complaint, and as separate, affirmative defenses, Mediostream would show the Court as follows:

First Affirmative Defense

1. The Complaint, and each and every count therein, fails to state facts sufficient to constitute a claim upon which relief can be granted.

Second Affirmative Defense

2. Plaintiffs' action is barred by the doctrine of prior suit pending as Mediostream has previously filed an action in California which relates to the issues raised in Plaintiffs' Complaint and such suit is currently pending in California.

Third Affirmative Defense

3. Plaintiffs' claims are barred, precluded, or limited, in whole or in part, by the applicable statute of limitations.

Fourth Affirmative Defense

4. Plaintiffs' claims are barred, precluded, or limited by the doctrine of laches because they have unreasonably delayed in bringing in this action to the presumed or actual prejudice of Defendant.

Fifth Affirmative Defense

5. Plaintiffs' claims are barred, precluded, or limited, in whole or in part, by the doctrine of waiver.

Sixth Affirmative Defense

6. Plaintiffs' are estopped by their own acts, conduct, or omissions, from obtaining relief against the Defendant.

Seventh Affirmative Defense

7. To the extent that any acts or omissions alleged in the Complained occurred, Plaintiffs authorized, licensed, or consented to it, expressly, by implication, or by conduct.

Eighth Affirmative Defense

8. Upon information and belief, Plaintiffs do not own some or all of the copyrights at issue in this action. Plaintiffs' claims are barred, precluded, or limited, in whole or in part, by lack of standing.

Ninth Affirmative Defense

9. Upon information and belief, Plaintiffs have failed to comply with the registration, deposit, and/or other statutory requirements that are conditions precedent to maintaining this action and/or to the recovery of statutory of statutory damages.

Tenth Affirmative Defense

10. To the extent any harm to Plaintiffs occurred, which Defendant denies, such harm was proximately caused, if at all, by persons or entities other than Defendant. Such persons or

entities are either solely responsible for such acts and conduct or, in the alternative, Mediostream is entitled to be defended and indemnified by such persons or entities.

Eleventh Affirmative Defense

11. Plaintiffs' claims are barred, precluded, or limited, in whole or in part, by accord and satisfaction.

Twelfth Affirmative Defense

12. Plaintiffs' claims are barred, precluded, or limited, in whole or in part, by the prior settlement of such claims.

Thirteenth Affirmative Defense

13. Plaintiffs' claims are barred, precluded, or limited, in whole or in part, by the prior release of such claims.

Fourteenth Affirmative Defense

14. Some of the claims in the Complaint are barred, precluded, or limited as a result of one or more of the Plaintiffs failing to comply with or perform a condition precedent to recovery.

Fifteenth Affirmative Defense

15. Upon information and belief, the works that Plaintiffs claim are infringing were independently created.

Sixteenth Affirmative Defense

16. To the extent that any elements from any of the allegedly infringing works were used, such use constituted fair use.

Seventeenth Affirmative Defense

17. Plaintiffs' claims fail to the extent that Plaintiffs' alleged copyrighted works are neither original nor protectable expression.

Eighteenth Affirmative Defense

18. Plaintiffs' claims are barred, precluded, or limited insofar as any allegation of alleged copyrighted material constitute de minimis use thereof.

Nineteenth Affirmative Defense

19. To the extent that any copyrightable elements from any of the allegedly infringed works were used in allegedly infringing works, such copyrights are enforceable and are null and void due to abandonment.

Twentieth Affirmative Defense

20. To the extent that any of the allegedly infringing works are found to have infringed on Plaintiffs' copyrights, such infringement occurred without Mediostream's knowledge.

Twenty First Affirmative Defense

21. If Plaintiffs are entitled to any monetary relief, which Mediostream denies, Plaintiffs' claims are limited by any applicable setoffs.

WHEREFORE, Defendant prays as follows:

1. That the Complaint and each count therein be dismissed with prejudice;

2. That Plaintiffs' take nothing by their Complaint;

3. That Defendant be awarded their attorney's fees incurred in this action pursuant to 17 U.S.C Section 505;

4. That Defendant be awarded their costs incurred herein;

5. For a jury to try this cause; and

6. For such other relief as this Court may deem just and proper.

Respectfully submitted,

/s/ James C. Bradshaw III__________

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon the following by electronic mail via the Electronic Filing System this 26th day of July, 2007:

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